

SENATE BILL 286

R1

2lr1638

By: **Senator Jennings**

Introduced and read first time: January 26, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration – Outdoor Sign Permits – Issuance to Business**
3 **Enterprises During Highway Construction Projects**

4 FOR the purpose of authorizing the State Highway Administration to issue a permit to
5 certain persons to erect and maintain temporary outdoor signs for business
6 enterprises to replace outdoor signs removed by the Administration during
7 certain highway construction projects; prohibiting a person from replacing a
8 certain outdoor sign removed by the Administration under certain
9 circumstances with a temporary sign unless the Administration has issued a
10 permit for the temporary sign under a certain provision of law; and generally
11 relating to permits for temporary outdoor signs for business enterprises during
12 certain highway construction projects.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 8–714 and 8–729
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2011 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Transportation**

21 8–714.

22 (a) Whether or not the person must be licensed under Part II of this subtitle,
23 a person may not erect or maintain any outdoor sign outside the limits of any
24 municipal corporation and within 500 feet of a State highway, unless the person has a
25 permit issued by the Administration for that sign.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) A permit is not required under this section to erect or maintain any
2 outdoor sign:

3 (1) That is used only to advertise the sale or lease of the property on
4 which it is located;

5 (2) That is on or within 100 feet of any building or the entrance to any
6 building in which the business advertised is carried on;

7 (3) That is used only to advertise:

8 (i) A Maryland historic shrine or institution; or

9 (ii) A county or church fair held in this State;

10 (4) That advertises a candidate or the support or defeat of any
11 proposition. This sign:

12 (i) Shall comply with all provisions of the Election Law Article;

13 (ii) Shall comply with public safety requirements as set forth in
14 § 8–716 of this subtitle;

15 (iii) Shall conform to all local restrictions and zoning
16 requirements which are more restrictive than this section; and

17 (iv) Shall conform to the restrictions and requirements of Parts
18 IV and V of this subtitle; or

19 (5) That is only a temporary outdoor sign that advertises the sale in
20 season of fresh produce on property that adjoins a State highway by a person who has
21 grown the fresh produce and who owns, rents, or has permission to sell on the
22 property. This sign:

23 (i) Shall comply with public safety requirements as set forth in
24 § 8–716 of this subtitle;

25 (ii) Shall conform to all local restrictions and zoning
26 requirements that are more restrictive than this section, including any applicable time
27 limitation;

28 (iii) Shall conform to the restrictions and requirements of Parts
29 IV and V of this subtitle; and

30 (iv) Shall be removed or covered when produce is no longer for
31 sale.

1 **(c) (1) THIS SUBSECTION APPLIES ONLY TO A PERSON WHOSE**
2 **AUTHORIZED OUTDOOR SIGN FOR A COMMERCIAL BUSINESS ENTERPRISE IS**
3 **REMOVED BY THE ADMINISTRATION FOR 30 DAYS OR MORE BECAUSE OF A**
4 **HIGHWAY CONSTRUCTION PROJECT AUTHORIZED BY THE ADMINISTRATION.**

5 **(2) (i) THE ADMINISTRATION MAY ISSUE A PERMIT TO A**
6 **PERSON SUBJECT TO THIS SUBSECTION TO ALLOW THE PERSON TO ERECT AND**
7 **MAINTAIN A TEMPORARY OUTDOOR SIGN FOR THE COMMERCIAL BUSINESS**
8 **ENTERPRISE UNTIL THE HIGHWAY CONSTRUCTION PROJECT IS COMPLETED.**

9 **(ii) CONSISTENT WITH PUBLIC SAFETY, THE**
10 **ADMINISTRATION SHALL ALLOW THE PERSON TO PLACE THE TEMPORARY**
11 **OUTDOOR SIGN IN A LOCATION IN CLOSE PROXIMITY TO THE COMMERCIAL**
12 **BUSINESS ENTERPRISE.**

13 8-729.

14 **(a) (1) A person may not erect or maintain any outdoor sign along or near**
15 **any federal-aid primary highway, unless the person has a permit issued by the**
16 **Administration for that sign.**

17 **[(b)] (2) A permit required by this [section] SUBSECTION shall be issued in**
18 **the same manner and is subject to the same annual permit fee and other requirements**
19 **and limitations as are provided for a permit issued under Part III of this subtitle.**

20 **(B) A PERSON WHOSE AUTHORIZED OUTDOOR SIGN FOR A COMMERCIAL**
21 **BUSINESS ENTERPRISE ALONG OR NEAR A FEDERAL-AID PRIMARY HIGHWAY IS**
22 **REMOVED BY THE ADMINISTRATION FOR 30 DAYS OR MORE BECAUSE OF A**
23 **HIGHWAY CONSTRUCTION PROJECT AUTHORIZED BY THE ADMINISTRATION**
24 **MAY NOT ERECT OR MAINTAIN A TEMPORARY REPLACEMENT SIGN ALONG OR**
25 **NEAR THE FEDERAL-AID PRIMARY HIGHWAY UNLESS THE PERSON HAS A**
26 **PERMIT FOR THE TEMPORARY SIGN ISSUED BY THE ADMINISTRATION UNDER §**
27 **8-714 OF THIS SUBTITLE.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2012.